

## REMARKS

Claims 1-3 are pending in this application, of which claim 1 is independent. In this Amendment, claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the Amendment should be apparent throughout the originally filed description of the specification.

**Claims 1-3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hakkinen et al. and Nakano et al., and further in view of Lindenmeier et al.**

The Examiner asserted that the applied combination of Hakkinen et al., Nakano et al., and further in view of Lindenmeier et al.

Applicant submits that Hakkinen et al., Nakano et al., and Lindenmeier et al., either individually or in combination, do not disclose or suggest a radio base station including all the limitations recited in independent claim 1. Specifically, the applied combination does not teach, at a minimum, the following limitation recited in independent claim 1.

when communicating with only one mobile station using time-division time slots, the base station allows the mobile stations to keep the diversity reception, and when starting communicating with the second or further mobile station using the space division multiplex method, the base station transmits a diversity reception stop instruction to the one mobile station already connected.

In the statement of the rejection, the Examiner asserted as follows (the first full paragraph on page 3 of the Office Action):

Nakano teaches that when the radio base station starts a communication with one of the mobile stations by the space division multiplex method (see col. 9, lines 18-24), transmitting an instruction to stop performing a diversity reception to the mobile station (see the row labeled (4) in fig. 16 and col. 9, lines 32-38).

Nakano et al. in column 9, lines 18-24 describes, “the base station control station 11 decides a start of the site diversity, and notifies this decision to the mobile station 5 and the base

stations 1 and 2....” This paragraph does not teach that the radio base station starts a communication with one of the mobile stations by the space division multiplex method. Nakano et al. in column 9, lines 32-38 further describes, “the base station control station 11 decides an end of the site diversity, and notifies this decision to the mobile station 5 and the base stations 1 and 2....” This paragraph describes that the base station control station, rather than the base station, notifies the decision to stop the site diversity to the mobile station and the base station.

Accordingly, the above paragraphs relied upon by the Examiner simply teach that the base station control station decides the start of the site diversity, and then notifies the end of the site diversity. It is apparent that Nakano et al. in the above paragraphs does not teach that when the radio base station starts a communication with one of the mobile stations by the space division multiplex method, transmitting an instruction to stop performing a diversity reception to the mobile station.

Furthermore, Nakano et al. is silent on the limitation “when communicating with only one mobile station using time-division time slots, [the base station allows] the mobile stations to keep the diversity reception,” as recited in claim 1. Nakano et al. is also silent on the limitation “when starting communicating with the second or further mobile station using the space division multiplex method, [the base station transmits] a diversity reception stop instruction to the one mobile station already connected,” as recited in claim 1. Hakkinen et al. and Lindenmeier et al. do not disclose these limitations, and thus, do not cure the deficiencies of Nakano et al.

Based on the foregoing, Applicant submits that Hakkinen et al., Nakano et al., and Lindenmeier et al., either individually or in combination, do not disclose or suggest a radio base station including all the limitations recited in independent claim 1. Dependent claims 2 and 3 are

also patentably distinguishable over Hakkinen et al., Nakano et al., and Lindenmeier et al. at least because these claims respectively include all the limitations recited in independent claim 1.

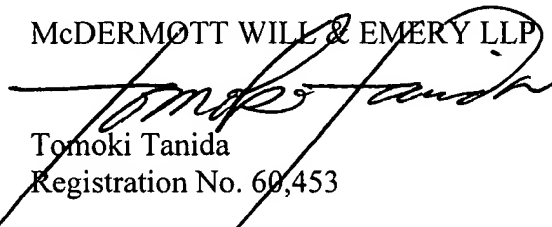
### Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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